

## **MINUTES OF THE REGULAR BOARD OF PUBLIC WORKS MEETING**

A regular meeting of the Beatrice Board of Public Works was held on the 14<sup>th</sup> day of November, 2018 at 12:10 p.m. in the BPW Service Center Conference Room, 500 North Commerce Street, Beatrice, Nebraska.

### **ROLL CALL**

Attending: Boardmembers: Baehr, Eskra, Leech, Moran.

Absent: Boardmembers: Coffin.

Chairman Eskra announced that a copy of the Open Meetings Act is posted in the meeting room and is accessible to members of the public.

### **CONSENT AGENDA**

- a. Approve agenda as submitted.
- b. Receive and place on file all notices pertaining to this meeting.
- c. Receive and place on file all materials having any bearing on this meeting.
- d. Approval of minutes of regular BPW Board meeting on October 31, 2018, as on file in the City Clerk's Office.
- e. Recommend approval of Street Department Report of Claims in the amount of \$421,121.89 to the Mayor and City Council.
- f. Approval of Electric Department, Water Department, and WPC Department Report of Claims in the amount of \$468,166.93.

Moved by Baehr, seconded by Moran, that the items listed under the consent agenda, be approved, accepted, and/or ratified as presented.

Roll Call: Yea: Baehr, Eskra, Leech, Moran

Nay: None

**MOTION CARRIED.**

### **PUBLIC HEARINGS/BIDS**

There were no public hearings/bids.

### **RESOLUTIONS**

**Resolution executing the agreement between the City of Beatrice and the State of Nebraska, Department of Transportation for Project No. ELEC-136-6(1015), Control No. 13399, regarding updating traffic signals as needed at various locations along Highway US-136 and Highway US-77 within the corporate limits of the City.**

Tobias J. Tempelmeyer, City Administrator/General Manager, reported to the Board the Nebraska Department of Transportation (NDOT) will be changing out the traffic control equipment in the downtown area. Tempelmeyer noted the existing traffic equipment is owned by the City. Boardmember Moran inquired who would respond to traffic signal issues in the downtown area and how long it may be, should any issues arise. Pat Feist, Electric

Superintendent, noted that may vary depending upon the issue. Feist explained somethings NDOT is able to talk to City employees via telephone to fix, however, if it is a hardware issue, NDOT would have to come down to do the repairs. Feist noted NDOT is usually very responsive and have issues resolved within a couple of hours. Feist also noted most of the controllers currently located in the downtown area will likely be sold, as the City will not have any use for them. Tempelmeyer also noted Mr. Goodbarn with NDOT informed him this project will be done at no cost to the City, as the State will be picking up all costs for the project.

Moved by Moran, seconded by Leech, to recommend to the Mayor and City Council to execute the agreement between the City of Beatrice and the State of Nebraska, Department of Transportation for Project No. ELEC-136-6(1015), Control No. 13399, regarding updating traffic signals as needed at various locations along Highway US-136 and Highway US-77 within the corporate limits of the City.

Roll Call: Yea: Baehr, Eskra, Leech, Moran  
Nay: None

MOTION CARRIED.

**Resolution authorizing the Mayor, City Clerk, and City Administrator to execute the Confirmation Letter regarding the acquisition of capacity.**

Tobias J. Tempelmeyer, City Administrator/General Manager, reported to the Board the City has an agreement to purchase capacity through 2023. John Krajewski has reviewed the proposal for the City to purchase 35 megawatts of capacity from NextEra from 2024 to 2029. Tempelmeyer noted both he and Krajewski feel the term presented is fair and a way for the City to lock in savings as we move forward.

Moved by Baehr, seconded by Moran, to recommend to the Mayor and City Council to authorize the Mayor, City Clerk, and City Administrator to execute the Confirmation Letter regarding the acquisition of capacity.

Roll Call: Yea: Baehr, Eskra, Leech, Moran  
Nay: None

MOTION CARRIED.

**ORDINANCES**

There were no ordinances.

**PUBLIC FORUM**

No one appeared at public forum.

**DISCUSSIONS/REPORTS**

**Commercial Deposit Discussion Requested by B&R Stores, Inc.**

Mark Griffin, B&R Stores, Inc., appeared before the Board to discuss the deposit B&R Stores was required to make for their new location at the previous Heartland Foods store. Griffin

reported to the Board the deposit is much higher than any of the other locations in which they operate stores. Griffin inquired why B&R Stores was subject to this deposit and Walmart was not, and also inquired if there is anything that can be done.

Board Chairman Eskra noted this deposit is required by a policy that this Board adopted and upholds. Board Chairman Eskra asked Tobias J. Tempelmeyer, City Administrator/General Manager, to elaborate on the history of the required commercial deposits. Tempelmeyer explained as far back as 1979, the required deposit for a commercial account has been two (2) times the average monthly utility bill and also had an exception in which the deposit would be waived if the applicant held the title to the property. In 2010, the Board adopted a policy regarding commercial deposits, still requiring the two (2) times the average monthly utility bill and at this time the exemption for commercial property owners was removed. In 2014, the policy was again reviewed adding exemptions for existing commercial customers with good credit moving to a new location and adding that after twenty-four (24) months of good credit a commercial customer's deposit shall be returned. Tempelmeyer noted as recently as earlier this year, the Board amended the residential utility deposit, however, no changes were made for commercial deposits. Tempelmeyer explained in 1998 Walmart Stores, Inc. purchased the property and in 1999 when applying for utility service, their deposit was waived because of the property owner exception.

Griffin expressed his concern with obtaining the deposit back upon the required payment history, as he was informed by Heartland Foods, the process was not as easy to obtain as the policy states. Boardmember Baehr stated the recent revisions to the policy allow for one (1) late charge annually and commercial customers also have the option to purchase a cd or letter of credit, and as long as the pay performance is met, the deposit is returned to the customer. Griffin explained B&R looked into obtaining a cd, however, it seemed to be more work that it was worth and they opted to simply write a check, as it was not going to be a hindrance to the company. Griffin also noted their financial organization stated they would be charged an annual fee to obtain a letter of credit.

Boardmember Baehr noted while he is not opposed to reviewing the commercial deposit policy, he feels reviewing commercial customers finances would be burdensome on the Board and believes this policy is fair. Boardmember Moran noted at no time was there any concerns from this Board with B&R's credit rating. Boardmember Moran also noted the Board agreed to uphold the policy and not make subjective decisions on who to charge or not charge a commercial utility deposit. Chairman Eskra closed by stating once again the requirement of their deposit was not personal, it was simply upholding the policy approved by this Board and wished Griffin good luck at their Beatrice location.

### **Monthly Department Report**

Some highlights for the month included: Tobias J. Tempelmeyer, City Administrator/General Manager, reported to the Board he has been working with John Krajewski on obtaining capacity and has also been negotiating the IBEW union contract. Linda Koch, Finance Director, reviewed the preliminary financials for September 2018. James Burroughs, City Engineer, reported the Nebraska Department of Transportation (NDOT) notified him the US Hwy 77 North project is complete and they would like his approval to close out the project. Burroughs noted he is concerned with some of the inlets, as they are not as open as they should be. Burroughs

noted he and Jason Moore, Street Superintendent, will be driving the project and letting NDOT of any other concerns they have prior to agreeing to finalize the project. Pat Feist, Electric Superintendent, reported his Department installed a primary underground extension to the new building at Hannibal Park. Steve Kelley, Water Superintendent, reported the Department of Health and Human Services recently conducted their three (3) year inspection and no deficiencies were reported. Kelley further noted there have been no deficiencies reported for six (6) years now. Jason Moore, Street Superintendent, noted the ADA ramps at 19<sup>th</sup> and Grant Street were replaced and all new concrete has been crack sealed for the winter. Moore also reported the snow plows have been moved in and are ready for the upcoming winter weather.

Moved by Baehr, seconded by Leech, that the monthly department report be received and placed on file.

Roll Call: Yea: Baehr, Eskra, Leech, Moran  
Nay: None

MOTION CARRIED.

### **ADJOURNMENT**

The next regular BPW Board meeting will be held November 28, 2018 at 12:10 p.m. in the City Hall Conference Room, 400 Ella Street, Beatrice, Nebraska.

Moved by Moran, seconded by Leech, that the meeting be adjourned at 12:57 p.m.

Roll Call: Yea: Baehr, Eskra, Leech, Moran  
Nay: None

MOTION CARRIED.

**Bob Moran, Secretary**

**Dave Eskra, Chairman**